

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

KEVIN WILLIAMS, : CIVIL ACTION
: :
v. : :
: :
THOMAS (SUPERINTENDENT), : NO. 12-01323
ET AL., : :
: :

O R D E R

AND NOW, this 29th day of April, 2012, upon consideration of the Defendant's Motion to Dismiss (Doc. No. 13) it is hereby **ORDERED** that the motion is **GRANTED** in part and **DENIED** in part as follows:

1. The Motion to Dismiss is **GRANTED** with respect to the claims against Defendants in their official capacities. All claims against Defendants in their official capacities are **DISMISSED** with prejudice;
2. The Motion to Dismiss is **GRANTED** with respect to the claims against Defendants Terra and Thomas in their individual capacities. Claims against Defendants Terra and Thomas in their individual capacities are **DISMISSED** without prejudice; and
3. The Motion to Dismiss is **DENIED** with respect to the claim against Defendant Colon for violation of Plaintiff's Eighth Amendment rights.

BY THE COURT:

/s/LAWRENCE F. STENGEL
LAWRENCE F. STENGEL, J.